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WASHINGTON, DC 20231
www.uspto.gov

Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

In re application of : **DECISION ON PETITION**
Dale F. McIntyre, et al : **FOR EXTENSION OF**
Application No. 09/451,315 : **TIME UNDER 37 CFR 1.136(b)**
Filed: November 30, 1999
For: **COMPUTER SOFTWARE PRODUCT**
AND SYSTEM FOR ADVERTISING
BUSINESS AND SERVICES

This is in response to the petition filed on August 29, 2003 for a one day extension of time under 37 CFR 1.136(b).

The petition is **DENIED**.

The requirements for granting a request for an extension of time under 37 CFR 1.136(b) are: (A) the provisions of 37 CFR 1.136(a) must not be available; (B) sufficient cause must be shown and a reasonable time to be extended specified; (C) the request must be filed on or before the day on which such a reply is due; and (D) must not attempt to extend a time period: (a) set in a Notice of Allowability, (b) to submit an oath or declaration in compliance with 37 CFR 1.63, (c) to submit formal drawings, or (d) to make a deposit of biological material. Furthermore, in no situation can any extension carry the date on which the reply is due beyond the maximum time period set by statute.

The petition lacks the requirements of item (C) above. A review of the file reveals that an Examiner's Answer was mailed on June 26, 2003. Therefore, the Reply Brief was due on August 26, 2003. Since the petition for extension of time was filed on August 29, 2003 (bearing a Certificate of Mailing of August 27, 2003), it was filed one day late. Therefore, the petition is untimely and will not be granted.


Petitioner may wish to consider filing a petition under 37 CFR 1.183 to waive the rule. Petitions filed under 37 CFR 1.183 must be accompanied by a petition fee of \$130.00.

Inquiries related to this decision may be directed to Special Programs Examiner
Kenneth J. Dorner at (703) 308-0866

SUMMARY: Petition for extension of time under 37 CFR 1.136(b) is **DENIED**.



John J. Love, Director
Patent Technology Center 3600
(703) 308-1020


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